

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MARIO ANDREOLI :
Plaintiff, :
v. : Civil No. _____
ARCHDIOCESE OF PHILADELPHIA, ST. :
GABRIEL SCHOOL, LLC, PHILADELPHIA :
INDEPENDENT MISSION SCHOOLS D/B/A :
INDEPENDENCE MISSION SCHOOLS,
Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant, the Archdiocese of Philadelphia (“Archdiocese”) hereby gives notice of removal of this action from the Court of Common Pleas for Philadelphia County, in the Commonwealth of Pennsylvania, where this action was commenced, to the United States District Court for the Eastern District of Pennsylvania, the district embracing the place where the case is pending. In support of this Notice of Removal, Defendant states the following:

TIMELINESS AND CONSENT

1. An action was commenced in the Court of Common Pleas for Philadelphia County, in the Commonwealth of Pennsylvania, captioned *Mario Andreoli v. St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and the Archdiocese of Philadelphia*, Case ID. No. 140201843 (the “state court action”).

2. Copies of all process, pleadings and orders sent to Defendants by Plaintiff in the state court action are attached hereto as **Exhibit A**. Additional documents printed from the docket in the state court action are attached as **Exhibit B**. The docket report in the state court action is attached as **Exhibit C**.

3. The Archdiocese received a copy of the Complaint and exhibits thereto via certified mail on February 24, 2014.

4. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is timely because it was effected within thirty (30) days of receipt of the Complaint by the Archdiocese.

5. Additional Defendants St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools (collectively, the “St. Gabriel Defendants”) consent to and join this removal. See Affidavit of Kyle M. Elliott, Esquire, attached hereto as **Exhibit D**, at ¶ 5. Thus, all defendants who have been “properly joined and served . . . join in or consent to the removal of this action.” 28 U.S.C. § 1446(b)(2)(A).

6. In the Complaint, plaintiff asserts claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*; the Pennsylvania Worker’s Compensation Act (“PWCA”), 77 P.S. § 101 *et seq.*, the Pennsylvania Minimum Wage Act (“PMWA”), 35 P.S. § 333.01, *et seq.*, and the Pennsylvania Wage Payment and Collection Law (“PWPCCL”), 43 P.S. § 260.1 *et seq.*

FEDERAL QUESTION JURISDICTION

7. 28 U.S.C. §1441(a) provides that “any civil action brought in a State Court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

8. This Court’s subject matter jurisdiction, and the basis for removal, is founded upon 28 U.S.C. §§ 1331 and 1337.

9. Pursuant to 28 U.S.C. §1331, this Court has original federal question jurisdiction over Plaintiff’s FLSA claim because that claim is based on a federal statute.

10. Plaintiff’s state law PWCA, PMWA, and PWPCCL claims are so related to his FLSA

claim that they form part of the “same case or controversy”; thus, under 27 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff’s PWCA, PMWA, and PWPCCL claims.

11. For these reasons, removal of the state court action is appropriate.

OTHER PREREQUISITES FOR REMOVAL HAVE BEEN STATISFIED

12. Counsel for the St. Gabriel Defendants has communicated to counsel for the Archdiocese that they consent to and hereby join in this removal. See Exhibit D at ¶ 5.

13. Venue is proper in the District pursuant to 28 U.S.C. §1446 because the Philadelphia County Court of Common Pleas, in the Commonwealth of Pennsylvania, where this action was filed and has been pending prior to removal, is a state court within this federal district and division.

14. The Archdiocese will promptly file written notice of removal of this action together with a copy of this Notice of Removal with the Clerk of the Court in the Philadelphia County Court of Common Pleas, in the Commonwealth of Pennsylvania, in accordance with 28 U.S.C. §1446(d) and serve it on Plaintiff’s counsel.

15. A completed Federal Civil Cover Sheet accompanies this Notice of Removal.

16. If any question arises as to the propriety of the removal of this action, the Archdiocese requests the opportunity to file additional support for this Notice of Removal by way of affidavits, deposition testimony, expert testimony, discovery responses, supplemental memoranda, and legal argument.

WHEREFORE, Defendant, Archdiocese of Philadelphia, hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania and that this Court assume jurisdiction of

this action and issue such further orders and processes as may be necessary to bring it before all parties at trial.

Dated: March 21, 2014

/s/ Jacquelyn J. Ager

Nicholas M. Centrella, Esquire
Frank R. Emmerich Jr., Esquire
Jacquelyn J. Ager, Esquire
Identification Nos. 67666/76109/76830
1500 Market Street
Centre Square West Tower, Suite 3900
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Phone: (215) 864-9600/Fax: (215) 864-9620
Email: ncentrella@conradobrien.com
femmerich@conradobrien.com
jager@conradobrien.com

*Attorneys for Defendant,
Archdiocese of Philadelphia*

CERTIFICATION

I, Jacquelyn J. Ager, Esquire, hereby certify that, on this 21th day of March, 2014, a true and correct copy of the foregoing Notice of Removal was served via First- Class United States Mail, postage prepaid, on the following:

Mark A. DiAntonio, Esquire
McCann & Geschke, PC
1800 John F. Kennedy Blvd.
Suite 801
Philadelphia, PA 19103

*Attorney for Plaintiff
Mario Andreoli*

Ian M. Long, Esquire
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103-7018

*Attorney for Defendants
St. Gabriel School, LLC and
Philadelphia Independent Mission
Schools d/b/a Independence Mission
Schools*

/s/ Jacquelyn J. Ager
Jacquelyn J. Ager

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

PLAINTIFF'S NAME
MARIO ANDREOLI

PLAINTIFF'S ADDRESS
1816 S. 27TH STREET
PHILADELPHIA PA 19145

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

3

COMMENCEMENT OF ACTION

- Complaint Petition Action Notice of Appeal
 Writ of Summons Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

- \$50,000.00 or less
 More than \$50,000.00

COURT PROGRAMS

- Arbitration
 Jury
 Non-Jury
 Other:

- Mass Tort
 Savings Action
 Petition

- Commerce
 Minor Court Appeal
 Statutory Appeals

- Settlement
 Minors
 W/D/Survival

CASE TYPE AND CODE

1E - EMPLOYMENT, WRONGFUL DISCHARGE

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PRO PROTHY**

IS CASE SUBJECT TO
COORDINATION ORDER?

YES NO

FEB 19 2014

J. MURPHY

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: MARIO ANDREOLI

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

MARK A. DIANTONIO

PHONE NUMBER

(215) 609-1563

FAX NUMBER

(215) 568-1392

ADDRESS

MCCANN & GESCHKE, P.C.
1800 JFK BLVD, SUITE 801
PHILADELPHIA PA 19103

E-MAIL ADDRESS

diantonio@doctlawyers.com

DATE SUBMITTED

Wednesday, February 19, 2014, 12:11 pm

SUPREME COURT IDENTIFICATION NO.

81115

SIGNATURE OF FILING ATTORNEY OR PARTY

MARK DIANTONIO

FINAL COPY (Approved by the Prothonotary Clerk)

001843

RECEIVED

FEB 24 2014

OFFICE FOR GENERAL COUNSEL

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA

NOT AN ARBITRATION MATTER
JURY TRIAL DEMANDED

Filed and Attested by
PROTHONOTARY
FEBR 14 12:11 pm
J. MURPHY

Mark A. DiAntonio, Esquire
Identification No. 81115
diantonio@doctlawyers.com
McCANN & GESCHKE, P.C.
1800 John F. Kennedy Blvd., Suite 801
Philadelphia, PA 19103
215-568-1133

Attorneys for Plaintiff

MARIO ANDREOLI
1816 S. 27th Street
Philadelphia, PA 19145

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

Plaintiff

vs.

ST. GABRIEL SCHOOL, LLC
724 W. Lancaster Avenue
Wayne, PA 19087

FEBRUARY TERM, 2014

Case No.

And

**PHILADELPHIA INDEPENDENT
MISSION SCHOOLS D/B/A
INDEPENDENCE MISSION SCHOOLS**
2300 W. Lehigh Avenue
Philadelphia, PA 19132

And

ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street
Philadelphia, PA 19103

Defendants

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197
AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentear una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

**NOT AN ARBITRATION MATTER
JURY TRIAL DEMANDED**

Mark A. DiAntonio, Esquire
Identification No. 81115
diantonio@doctlawyers.com
McCANN & GESCHKE, P.C.
1800 John F. Kennedy Blvd., Suite 801
Philadelphia, PA 19103
215-568-1133

Attorneys for Plaintiff

MARIO ANDREOLI
1816 S. 27th Street
Philadelphia, PA 19145

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

Plaintiff

vs.

ST. GABRIEL SCHOOL, LLC
724 W. Lancaster Avenue
Wayne, PA 19087

FEBRUARY TERM, 2014

And

**PHILADELPHIA INDEPENDENT
MISSION SCHOOLS D/B/A
INDEPENDENCE MISSION SCHOOLS**
2300 W. Lehigh Avenue
Philadelphia, PA 19132

Case No.

And

ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street
Philadelphia, PA 19103

Defendants

COMPLAINT

Plaintiff, Mario Andreoli, by and through undersigned counsel, files this complaint against Defendants, St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and Archdiocese of Philadelphia, and states:

1. Plaintiff, Mario Andreoli, is an individual residing at 1816 S. 27th Street, Philadelphia, PA.

2. St. Gabriel School, LLC is a limited liability company organized and existing under, and by virtue of, the laws of the Commonwealth of Pennsylvania, with a registered office address of 724 W. Lancaster Avenue, Suite 210, Wayne, PA. At all times material hereto, St. Gabriel School, LLC has operated a school named St. Gabriel School at 2917 Dickinson Street, Philadelphia, PA.
3. Philadelphia Independent Mission Schools d/b/a Independence Mission Schools is a non-profit business entity organized and existing under, and by virtue of, the laws of the Commonwealth of Pennsylvania, with a registered office address of 2300 W. Lehigh Avenue Philadelphia, PA. At all times material hereto, this Defendant has owned and operated St. Gabriel School at 2917 Dickinson Street, Philadelphia, PA, and/or owned, operated and controlled St. Gabriel School, LLC.
4. Archdiocese of Philadelphia is the ecclesiastical territory of the Roman Catholic Church that encompasses Philadelphia County, PA among other geographic territory in southeastern Pennsylvania, maintaining its principal business address at 222 N. 17th Street, Philadelphia, PA. At all times material hereto, the Archdiocese of Philadelphia has operated, owned and controlled a school known as St. Gabriel's School at 2917 Dickinson Street, Philadelphia, PA.
5. Jurisdiction and venue for this action are proper, pursuant to 42 Pa.C.S.A. §931 and Pa.R.Civ.P. 2179.
6. In January 2000, Mr. Andreoli began his employment at St. Gabriel School as the school's janitor.

7. Mr. Andreoli continued his employment as a janitor at St. Gabriel School until his employment was terminated on or about December 5, 2013.
8. At all times material hereto, Mr. Andreoli performed the duties and responsibilities of his position as instructed by his supervisors at the school, to include cleaning floors, classrooms and bathrooms, emptying trash, shoveling snow, and checking to assure the school was locked at the end of the day, among other tasks as directed by his supervisors.
9. From the beginning of Mr. Andreoli's employment until July 2013, Mr. Andreoli was employed by the Archdiocese of Philadelphia. In July 2013, the Archdiocese of Philadelphia turned over control, operation and management of St. Gabriel School and several other parochial elementary schools, to Philadelphia Independent Mission Schools d/b/a Independence Mission Schools.
10. From July 2013 until his termination on December 2013, Mr. Andreoli was employed by St. Gabriel School, LLC and/or Philadelphia Independent Mission Schools d/b/a Independence Mission Schools.
11. At all times material hereto, Mr. Andreoli was regularly scheduled to work 40 hours per week, Monday through Friday from 6:30 a.m. to 3 p.m. with a 30-minute lunch break.
12. From the beginning of his employment to the date of his termination, Mr. Andreoli was required by each of the Defendants on multiple occasions to perform additional duties before and/or after his regularly scheduled work hours,

including snow removal, opening and locking the school building, and providing assistance to clean up when unexpected events arose, among other tasks.

13. To perform these additional duties, Mr. Andreoli was required to work more than 40 hours per week during multiple pay periods between February 2011 and his termination in December 2013. Mr. Andreoli never received any compensation for working the additional time.
14. In October 2013, Mr. Andreoli submitted a notice to his employer, St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, regarding a work-related injury he had suffered, in an effort to pursue his rights and benefits available through the Pennsylvania Workers' Compensation Act.
15. After Mr. Andreoli suffered the work-related injury and notified his employer of the injury, St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and its employees, servants and agents initiated steps to replace Mr. Andreoli, starting with the hiring of another janitor named Alex Torres. Mr. Andreoli was instructed to assist in the orientation of Mr. Torres
16. On or about December 5, 2013, Mr. Andreoli's supervisor, School Principal Noreen Friel, called Mr. Andreoli to her office and informed him his employment was terminated. He was being replaced by Mr. Torres.
17. During the entire time Mr. Andreoli was required by Defendants to assist in the orientation of Mr. Torres and at the time of the termination of Mr. Andreoli's

employment, Mr. Andreoli's workers' compensation claim was active and he continued to pursue his workers' compensation claim.

Count I – Wrongful Discharge (Workers' Compensation Retaliation)

Mario Andreoli v. St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools

18. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 17 above as if they were fully set forth at length herein.
19. Because Mr. Andreoli exercised his statutory rights to pursue a claim under the Pennsylvania Workers' Compensation Act, St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and their employees, servants and agents initiated actions to find a replacement for Mr. Andreoli; required Mr. Andreoli to unwittingly help orient his replacement; and then fired Mr. Andreoli.
20. The actions of St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and their employees, servants and agents were taken after Mr. Andreoli was injured at work and began pursuing his workers' compensation claim.
21. Defendants' actions were done in response to Mr. Andreoli pursuing a workers' compensation claim, and were intended to retaliate against Mr. Andreoli for pursuing his statutory rights under the Pennsylvania Workers' Compensation Act.
22. Defendants' actions in wrongfully discharging Mr. Andreoli from his employment violate public policy. *Shick v. Shirey*, 552 Pa. 590, 716 A.2d 1231 (1998).

23. As a result of Defendants' wrongful acts, Mr. Andreoli has suffered injuries and damages including:
- a. Loss of employment;
 - b. Loss of back wages;
 - c. Loss of future wages;
 - d. Loss of fringe benefits associated with his employment;
 - e. Costs associated with having to pursue this litigation; and
 - f. Reasonable attorney's fees associated with having to pursue this litigation.

WHEREFORE, Plaintiff, Mario Andreoli, demands that judgment be entered in his favor and against Defendants, St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and that Plaintiff be awarded damages in an amount in excess of the prevailing arbitration limits to include past lost wages, future loss of wages, past and future fringe benefits, attorney's fees and costs, pre- and post-judgment interest, and such other and further relief as justice so requires.

Count II – Violations of Pennsylvania Minimum Wage Act (“PMWA”)
and Pennsylvania Wage Payment and Collection Law (“PWPLC”)

Mario Andreoli v. All Defendants

24. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 23 above as if they were fully set forth at length herein.
25. From February 2011 until July 2013, Defendant, Archdiocese of Philadelphia, was the “employer” of Mr. Andreoli, and Mr. Andreoli was Defendant’s “employee” as those terms are defined under the PMWA and PWPLC.
26. From July 2013 until the termination of Mr. Andreoli’s employment in December 2013, Defendants, St. Gabriel School, LLC and Philadelphia Independent

Mission Schools d/b/a Independence Mission Schools, were the "employers" of Mr. Andreoli, and Mr. Andreoli was Defendants' "employee" as those terms are defined under the PMWA and PWPLC.

27. At all times material hereto, Mr. Andreoli was engaged in an occupation, and performed services, on behalf of his employers for which he was entitled to be paid wages, including the payment of overtime, or not less than 1½ times his regular hourly rate of pay, for the time he worked in excess of 40 hours in each respective workweek.
28. At all times material hereto, Mr. Andreoli was improperly classified as an employee who was exempt from the provisions of the PMWA and its supporting regulations, and he was paid a salary based on a 40-hour workweek, without regard for additional time he was required to work for which he received no compensation.
29. At all times material hereto, Mr. Andreoli did not qualify as exempt under any of the categories permitted under the Exemptions provisions of the PMWA.
30. None of the Defendants has ever paid Mr. Andreoli for the time he worked for each of them above and beyond his regularly scheduled 40 hours in each respective workweek between February 2011 and December 2013.
31. The time period within which each Defendant was required to make such payments to Mr. Andreoli has expired.
32. Defendants' failure to pay Mr. Andreoli for the additional time he worked during the past three years constitutes a violation of the PMWA and the PWPLC.

33. As a result of each of the Defendant's respective violations of the applicable law, as stated above, Mr. Andreoli has suffered damages including:

- a. Unpaid wages and overtime;
- b. Liquidated damages in an amount equal to 25% of the total amount of the overtime wages due;
- c. Costs associated with having to pursue this litigation; and
- d. Reasonable attorney's fees associated with having to pursue this litigation.

WHEREFORE, Plaintiff, Mario Andreoli, demands that judgment be entered in his favor and against each of the Defendants, St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and Archdiocese of Philadelphia, for their respective share of Plaintiff's damages, such that Plaintiff is awarded damages in an amount equal to the unpaid wages and overtime to which he is entitled, liquidated damages, attorney's fees and costs, pre- and post-judgment interest, and such other and further relief as justice so requires.

Count III – Violations of Fair Labor Standards Act ("FLSA")

Mario Andreoli v. All Defendants

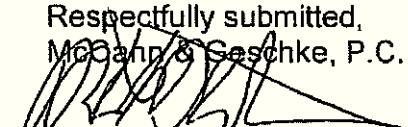
34. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 33 above as if they were fully set forth at length herein.

35. From February 2011 until July 2013, Defendant, Archdiocese of Philadelphia, was an "employer" and employed Plaintiff within the meaning of the FLSA, and was an enterprise engaged in commerce within the meaning of the FLSA, with annual gross revenue in excess of \$500,000.

36. From July 2013 until the termination of Mr. Andreoli's employment in December 2013, Defendants, St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, were "employers" and employed Plaintiff within the meaning of the FLSA, and were an enterprise engaged in commerce within the meaning of the FLSA, with annual gross revenue in excess of \$500,000.
37. At all times material hereto, Mr. Andreoli was engaged in an occupation, and performed services, on behalf of Defendants for which he was entitled to be paid wages, including the payment of overtime, or not less than 1½ times the employee's regular hourly rate of pay, for the time he worked in excess of 40 hours in each respective workweek.
38. At all times material hereto, Mr. Andreoli was improperly classified as an employee who was exempt from the provisions of the FLSA and its supporting regulations, and he was paid a salary based on a 40-hour workweek, without regard for additional time he was required to work for which he received no compensation.
39. At all times material hereto, Mr. Andreoli did not qualify as exempt under any of the categories permitted under the Exemptions provisions of the FLSA.
40. None of the Defendants has ever paid Mr. Andreoli for the time he worked for each of them above and beyond his regularly scheduled 40 hours in each respective workweek between February 2011 and December 2013.
41. The time period within which each respective Defendant was required to make such payments to Mr. Andreoli has expired.

42. The conduct of each individual Defendant constitutes a wilful violation of the FLSA within the meaning of 29 USC §255(a).
43. Defendants' failure to pay Mr. Andreoli for the additional time he worked during the past three years constitutes a violation of the FLSA.
44. As a result of each of the Defendant's respective violations of the applicable law, as stated above, Mr. Andreoli has suffered damages including:
 - a. Unpaid wages and overtime;
 - b. Liquidated damages in an amount equal to twice the total amount of the overtime wages due;
 - c. Costs associated with having to pursue this litigation; and
 - d. Reasonable attorney's fees associated with having to pursue this litigation.

WHEREFORE, Plaintiff, Mario Andreoli, demands that judgment be entered in his favor and against each of the Defendants, St. Gabriel School, LLC, Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and Archdiocese of Philadelphia, for their respective share of Plaintiff's damages, such that Plaintiff is awarded damages in an amount equal to the unpaid wages and overtime to which he entitled, liquidated damages, attorney's fees and costs, pre- and post-judgment interest, and such other and further relief as justice so requires.

Respectfully submitted,
McDonald & Geschke, P.C.
By: 
Mark A. DiAntonio, Esquire
Attorneys for Plaintiff

VERIFICATION

I, Mario Andreoli, verify that the facts as stated in the foregoing Complaint are true and accurate, and are based on my personal knowledge, information and reasonable belief. This verification is made subject to the penalties of 18 PA. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Mario Andreoli
Mario Andreoli

Date: 2/19/14

Metro Filing Services, Inc.

317 S. 13th Street
PHILADELPHIA, PA 19107
(215) 981 FILE

AFFIDAVIT OF SERVICE

The image shows a rectangular seal for the Philadelphia Association of Professional Process Servers. The seal is composed of a textured, dotted pattern. In the center is a stylized illustration of a tree with a path leading towards it. Above the tree, the text 'Philadelphia Association of' is written in a serif font. Below the tree, 'Professional Process Servers' is written in a larger, bold, sans-serif font. At the bottom of the seal, 'VICE PRESIDENT' is printed in a smaller, all-caps sans-serif font. A handwritten signature 'Carroll 3/6/14' is written across the bottom right of the seal.

PLAINTIFF(S) Mario Andreoli	COURT TERM and NO. 14-02-1843	COUNTY Philadelphia Filed and Attested by PROTHONOTARY 14 MARCH 2014 10:35 am K. EDWARDS Delaware County
DEFENDANT(S) St. Gabriel School, LLC.	DATE PREPARED Feb 26, 2014	
SERVE AT 724 W. Lancaster Avenue Wayne, PA 19087	<input checked="" type="checkbox"/> Civil Action _____ <input type="checkbox"/> Summons _____ <input type="checkbox"/> Writ Of _____ COMPANY CONTROL NUMBER 096695	

SPECIAL INSTRUCTIONS

Served and made known to

on the _____ day of _____, _____, at
at _____, County of _____

Commonwealth of Pennsylvania, in the manner described below:

- Defendant(s) personally served
 Adult family member with whom said Defendant(s) reside(s). Relationship is _____
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Agent or person in charge of Defendants's office or usual place of business.
 _____ an officer of said Defendant company.
 Other _____

Description Age: Height: Weight: Race: Sex:

On the 07 day of 03, 2013 at 1713Z

NOT IN DATE: 6/21

NAME OF SERVER

Sworn to and subscribed before me this
____ day of _____ 20____

_____, being duly sworn according to law, deposes and says that he/she is process server herein named; and that the facts herein set forth above are true and correct to the best of their knowledge, information and belief.

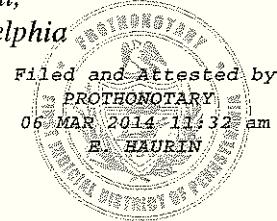
Sheriff *Jeff Boenish* Process Server/Competent Adult

Attorney's Name	✓ 2014		
Firm name	Metro Filing Services, Inc.		
Address	317 South 13th Street Philadelphia, Pa 19107		
Telephone #	(215) 981-3453	Client #	762
990 Philadelphia Assoc. of Professional Process Servers Rev 98.1 Metro Filing Services, Inc., founding member.		ATTEST	Metro Filing Services, Inc.
		PRO PROTHY	2/19/14
		DATE	

EXHIBIT B

CONRAD O'BRIEN PC
Nicholas M. Centrella, Esquire
Frank R. Emmerich Jr., Esquire
Jacquelyn J. Ager, Esquire
Identification Nos. 67666/76109/76830
1500 Market Street
Centre Square West Tower, Suite 3900
Philadelphia, PA 19102-2100
Phone: (215) 864-9600/Fax: (215) 864-9620
Email: ncentrella@conradobrien.com
femmerich@conradobrien.com
jager@conradobrien.com

*Attorneys for Defendant,
Archdiocese of Philadelphia*



MARIO ANDREOLI : COURT OF COMMON PLEAS
Plaintiff, : PHILADELPHIA COUNTY
v. : FEBRUARY TERM 2014
ARCHDIOCESE OF PHILADELPHIA, et al. : No. 001843
Defendants. :

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter the appearances of Nicholas M. Centrella, Esquire, Frank R. Emmerich Jr., Esquire and Jacquelyn J. Ager, Esquire on behalf of Defendant, Archdiocese of Philadelphia in the above-captioned matter.

Dated: March 6, 2014

/s/ Jacquelyn J. Ager

Nicholas M. Centrella, Esquire
Frank R. Emmerich Jr., Esquire
Jacquelyn J. Ager, Esquire
Identification Nos. 67666/76109/76830
1500 Market Street
Centre Square West Tower, Suite 3900
Philadelphia, PA 19102-2100
Phone: (215) 864-9600/Fax: (215) 864-9620
Email: ncentrella@conradobrien.com
femmerich@conradobrien.com
jager@conradobrien.com

*Attorneys for Defendant,
Archdiocese of Philadelphia*

CERTIFICATE OF SERVICE

I, Jacquelyn J. Ager, Esquire, hereby certify that I caused a true and correct copy of the foregoing Entry of Appearance, to be electronically filed pursuant to the Court's electronic court filing system, and that the pleading is available for downloading and viewing from the Court's electronic court filing system. Notice of this filing will be sent to counsel of record by operation of the Court's EFS system and via first class mail upon the following:

Mark A. DiAntonio, Esquire
McCann & Geschke, PC
1800 John F. Kennedy Blvd.
Suite 801
Philadelphia, PA 19103

*Attorney for Plaintiff
Mario Andreoli*

St. Gabriel School, LLC
724 West Lancaster Avenue
Wayne, PA 19087

Philadelphia Independent Mission Schools
d/b/a Independence Mission Schools
2300 West Lehigh Avenue
Philadelphia, PA 19132

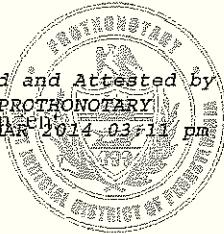
/s/ Jacquelyn J. Ager
Jacquelyn J. Ager

Dated: March 6, 2014

STRADLEY RONON STEVENS & YOUNG, LLP

Joseph McHale, Esq., ID No. 65706
Ian M. Long, Esq., ID No. 306851
2005 Market St., Suite 2600
Philadelphia, PA 19103
215-564-8000

Filed and Attested by
PROTHONOTARY
19 MAR 2014 03:11 PM
Mission Schools d/b/a Independence
Mission Schools



MARIO ANDREOLI

1816 S. 27th Street
Philadelphia, PA 19145

Plaintiff

vs.
ST. GABRIEL SCHOOL, LLC
724 W. Lancaster Avenue
Wayne, PA 19087

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

FEBRUARY TERM, 2014

Case No. 01843

And

**PHILADELPHIA INDEPENDENT
MISSION SCHOOLS D/B/A
INDEPENDENCE MISSION SCHOOLS**
2300 W. Lehigh Avenue
Philadelphia, PA 19132

And

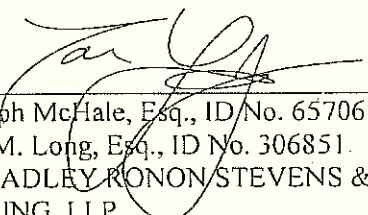
ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street
Philadelphia, PA 19103

Defendants

ACCEPTANCE OF SERVICE OF COMPLAINT

I, Ian Long, Esquire, accept service of the Complaint in the above-captioned case on behalf of Defendants St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools, and certify that I am authorized to do so.

DATE: March 14, 2014



Joseph McHale, Esq., ID No. 65706
Ian M. Long, Esq., ID No. 306851.
STRADLEY RONON STEVENS & YOUNG, LLP
2005 Market St., Suite 2600
Philadelphia, PA 19103
215-564-8000

Attorneys for Defendants St. Gabriel School, LLC and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools

EXHIBIT C



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A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 140201843
Case Caption: ANDREOLIVS ST. GABRIEL SCHOOL, LLC ETAL
Filing Date: Wednesday, February 19th, 2014
Court: MAJOR JURY-EXPEDITED
Location: City Hall
Jury: JURY
Case Type: EMPLOYMENT, WRONGFUL DISCHARGE
Status: WAITING TO LIST CASE MGMT CONF

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case motions

No case motions were found.

Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	DIANTONIO, MARK A
Address:	MCCANN & GESCHKE, P.C. 1800 JFK BLVD, SUITE 801 PHILADELPHIA PA 19103 (215)609-1563	Aliases:	<i>none</i>	

2	1		PLAINTIFF	ANDREOLI, MARIO
Address: 1816 S. 27TH STREET PHILADELPHIA PA 19145	Aliases: <i>none</i>			
3			DEFENDANT	ST. GABRIEL SCHOOL, LLC
Address: 724 W. LANCASTER AVENUE WAYNE PA 19087	Aliases: <i>none</i>			
4			DEFENDANT	PHILADELPHIA INDEPENDENT MISSION SCHOOLS D/B/A INDEPENDENCE
Address: 2300 W. LEHIGH AVENUE PHILADELPHIA PA 19132	Aliases: <i>none</i>			
5	7		DEFENDANT	ARCHDIOCESE OF PHILADELPHIA
Address: 222 N. 17TH STREET PHILADELPHIA PA 19103	Aliases: <i>none</i>			
6			TEAM LEADER	NEW, ARNOLD L
Address: 606 CITY HALL PHILADELPHIA PA 19107 (215)686-7260	Aliases: <i>none</i>			
7			ATTORNEY FOR DEFENDANT	AGER, JACQUELYN J

Address: CONRAD O'BRIEN, P.C. 1500 MARKET STREET, SUITE 3900 CENTRE SQUARE, WEST TOWER PHILADELPHIA PA 19102 (215)864-9600	Aliases: <i>none</i>		
8	7		ATTORNEY FOR DEFENDANT
Address: CENTRE SQUARE, WEST TOWER 1500 MARKET STREET, SUITE 3900 PHILADELPHIA PA 19102 (215)864-8098	Aliases: <i>none</i>		
9	7		ATTORNEY FOR DEFENDANT
Address: CONRAD O'BRIEN PC 1500 MARKET STREET, SUITE 3900 CENTRE SQUARE, WEST TOWER PHILADELPHIA PA 19102 (215)864-9600	Aliases: <i>none</i>		

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
19-FEB-2014 12:11 PM	ACTIVE CASE			20-FEB-2014 08:20 AM
Docket Entry:	E-Filing Number: 1402027928			
19-FEB-2014 12:11 PM	COMMENCEMENT CIVIL ACTION JURY	DIANTONIO, MARK A		20-FEB-2014 08:20 AM
Documents:	Click link(s) to preview/purchase the documents Final Cover			
Docket Entry:	none.			
19-FEB-2014 12:11 PM	COMPLAINT FILED NOTICE GIVEN	DIANTONIO, MARK A		20-FEB-2014 08:20 AM
Documents:	Click link(s) to preview/purchase the documents Complaint.pdf			
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
19-FEB-2014 12:11 PM	SHERIFF'S SURCHARGE 3 DEFTS	DIANTONIO, MARK A		20-FEB-2014 08:20 AM
Docket Entry:	none.			
19-FEB-2014 12:11 PM	JURY TRIAL PERFECTED	DIANTONIO, MARK A		20-FEB-2014 08:20 AM
Docket Entry:	12 JURORS REQUESTED.			
19-FEB-2014 12:11 PM	WAITING TO LIST CASE MGMT CONF	DIANTONIO, MARK A		20-FEB-2014 08:20 AM
Docket				

Entry:	none.					
26-FEB-2014 10:11 AM	AFFIDAVIT OF SERVICE FILED			26-FEB-2014 10:35 AM		
Documents:	Click link(s) to preview/purchase the documents Affidavit of Service		 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON ARCHDIOCESE OF PHILADELPHIA BY PERSONAL SERVICE ON 02/24/2014 FILED.					
27-FEB-2014 10:19 AM	AFFIDAVIT OF SERVICE FILED			27-FEB-2014 10:33 AM		
Documents:	Click link(s) to preview/purchase the documents Affidavit of Service		 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON PHILADELPHIA INDEPENDENT MISSION SCHOOLS D/B/A INDEPENDENCE BY PERSONAL SERVICE ON 02/25/2014 FILED.					
06-MAR-2014 11:32 AM	ENTRY OF APPEARANCE FILED	AGER, JACQUELYN J		06-MAR-2014 11:33 AM		
Documents:	Click link(s) to preview/purchase the documents Entry of Appearance NMC FRE JJA.pdf		 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	ENTRY OF APPEARANCE OF JACQUELYN J AGER, FRANK R EMMERICH JR. AND NICHOLAS M CENTRELLA FILED. (FILED ON BEHALF OF ARCHDIOCESE OF PHILADELPHIA)					
19-MAR-2014 10:35 AM	ATTEMPTED SERVICE - NOT FOUND			19-MAR-2014 10:35 AM		
Documents:	Click link(s) to preview/purchase the documents doc06280920140319083409.pdf		 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	ST. GABRIEL SCHOOL, LLC NOT FOUND ON 03/07/2014.					
19-MAR-2014	ACCEPTANCE OF	DIANTONIO,		19-MAR-2014		

03:11 PM	SERVICE FILED	MARK A	03:12 PM
Documents:	 Click link(s) to preview/purchase the documents Acceptance of Service St. Gabriel School.pdf	 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	SERVICE OF PLAINTIFF'S COMPLAINT ACCEPTED BY ST. GABRIEL SCHOOL, LLC ON 03/14/2014 FILED. (FILED ON BEHALF OF MARIO ANDREOLI)		

 [Case Description](#)  [Related Cases](#)  [Event Schedule](#)  [Case Parties](#)  [Docket Entries](#)

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EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MARIO ANDREOLI :
Plaintiff, :
v. : Civil No. _____
ARCHDIOCESE OF PHILADELPHIA, ST. :
GABRIEL SCHOOL, LLC, PHILADELPHIA :
INDEPENDENT MISSION SCHOOLS D/B/A :
INDEPENDENCE MISSION SCHOOLS,
Defendants.

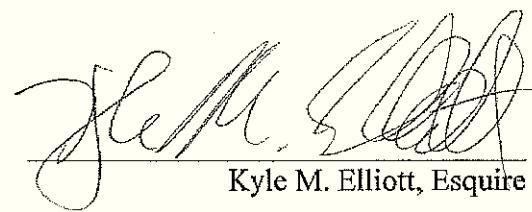
AFFIDAVIT OF KYLE M. ELLIOTT IN SUPPORT OF NOTICE OF REMOVAL

I, Kyle M. Elliott, declare as follows:

1. I am a member of the Pennsylvania Bar, and an associate with the law firm of Conrad O'Brien, PC, 1500 Market Street, Suite 3900, Centre Square West, Philadelphia, PA 19102-2100.
2. I am one of the counsel representing Defendant the Archdiocese of Philadelphia (the "Archdiocese") in the above-captioned matter.
3. I submit this Affidavit in support of the Notice of Removal filed by the Archdiocese.
4. On March 14, 2014, I spoke with Ian M. Long, Esquire, of Stradley Ronon Stevens & Young, LLP, who represents the Defendants identified in Plaintiff Mario Andreoli's Complaint as St. Gabriel School, LLC, and Philadelphia Independent Mission Schools d/b/a Independence Mission Schools (collectively, the "St. Gabriel Defendants"). The St. Gabriel Defendants accepted service of Plaintiff's Complaint on or about March 19, 2014.

5. Counsel for the St. Gabriel Defendants has consented to the removal of this action from the Philadelphia Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Affidavit was executed this 19th day of March, 2014, in Philadelphia, PA.



Kyle M. Elliott, Esquire